

Page 48, line 8, after

" 1: 5'-GATGAGTTCGTGTCCGTACAACTGG-3' " insert

--(SEQ ID NO: 3)--;

line 9, after

" 2: 5'-GGTTATCGAAATCAGCCACAGCGC-3' " insert

--(SEQ ID NO: 4)--.

Between pages 65 and 66, insert the enclosed substitute pages 65 and 66 which contain the SEQUENCE LISTING, and renumber the remaining pages accordingly.

#### R E M A R K S

The Examiner is respectfully requested to acknowledge (i) applicant's claim for priority under 35 USC 119 and (ii) receipt of the certified copies of the priority documents that were mailed on November 21, 1999.

It is not certain from page 1 of the March 27, 2000 Office Action if the Examiner intended to attach a Notice of Draftsperson's Patent Drawing Review, PTO-948, with the Office Action. No Form PTO-948 was attached to the March 27, 2000 Office Action. This was discussed with the Examiner during a telephone interview on April 26, 2000, wherein the Examiner was requested to send the undersigned a Form PTO-948 with the next Office Action to indicate that the drawings were approved.

Restriction was required under 35 USC 121 as follows:

Group I. Claims 1-8, drawn to a method of analyzing a target nucleic acid by applying a nucleic acid amplification reaction involving a primer,

a labeled substrate molecule and nucleic acid synthase and analyzing the target nucleic acid which is determined by measuring the signal from the marker molecule, evaluating mobility of the labeled molecule and quantifying the target nucleic acid based on the evaluation results;

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Group II. Claims 9-17, drawn to an apparatus of analyzing a target nucleic acid by applying a nucleic acid amplification reaction, and

Group III. Claims 18-38, drawn to a method of quantitatively analyzing a target nucleic acid molecule involving two primers which are complementary to discrete nucleotide sequence regions of the target nucleic acid molecule.

Applicant elects Group I, with traverse.

The Restriction Requirement between Groups I and III is traversed on the basis that such Groups I and III are identically classified in the Office Action in class 435, subclass 91.2. Moreover, both of such Groups I and III involve methods of analyzing a target nucleic acid.

The Restriction Requirement is further traversed on the grounds that it is respectfully submitted that an undue burden would not be placed on the Examiner to examine the claims of all three Groups, especially since the Examiner identically classified Groups I and III.

Reconsideration and withdrawal of the Restriction Requirement is therefore respectfully solicited.

In response to Paragraph No. 5 set forth at the top of page 4 of the Office Action, submitted concomitantly herewith is a RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, including a SEQUENCE LISTING (paper copy and a computer readable form).

The specification was amended to include the SEQ ID NOS. which correspond to the sequences identified in the enclosed SEQUENCE LISTING.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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- Enclosures: (1) RESPONSE TO NOTICE TO COMPLY WITH  
REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES,  
including a SEQUENCE LISTING  
(paper copy and computer readable form)
- (2) Replacement pages 65 and 66 containing  
the SEQUENCE LISTING